IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

MFA.No. 804 of 2002(B)

OPMV.1128/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL,IRINJALAKUDA
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APPELLANT: PETITIONER

NARAYANAN, AGED 39, S/O.KONNUNNI,
VATTEKATTUPARAMBIL HOUSE, PERAMBRA
VILLAGE DESOM,
THRISSUR DISTRICT.

BY ADV. SRI.T.N.MANOJ
SRI.DINESH R.SHENOY

RESPONDENTS: RESPONDENTS
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1. MR.SURESH KUMAR C.G., S/O.GOPAL,
GANDHI NAGAR, KOPRAGAM TALUK,
AHMED NAGAR, MAHARASTRA.

2. MR.ROBINSON, S/O.ANTHONY,
THAZATH HOUSE, NADATHARA,
THRISSUR.

3. THE MANAGER,
ORIENTAL INSURANCE CO.LTD.,
MAHESWARI BUILDINGS, M.G.ROAD,
THRISSUR.

BY ADV. SRI.M.JACOB MURICKAN

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 07/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR, JJ.

M.F.A.No.804 OF 2002

Dated this the 7th day of December, 2007

JUDGMENT

Radhakrishnan, J.

Claimant is the appellant. Accident and insurance coverage are not disputed. The question is whether the amount of compensation awarded by the Tribunal is just and proper. Learned counsel for the appellant submits that no amount has been awarded for permanent disability. He has produced Ext.A3 disability certificate issued by the doctor to indicate that claimant has suffered 8% permanent disability. It is also submitted that there is error in taking his monthly salary. The Tribunal has taken Rs. 1,000/- only as his monthly income. The salary certificate shows that he was getting an amount of Rs. 3,190/-. We have perused Ext.A3 certificate and other documents. We are of the view that the monthly salary taken by the Tribunal is very low. We are inclined to fix the same as Rs. 2000/- per month. Permanent disability of 8% as certified by the doctor be taken adopting a multiplier of 16. Therefore petitioner is entitled to get a sum of Rs. 30720/- as compensation for permanent disability.

Since we have taken Rs. 2000/- as monthly salary, for loss of earnings he is entitled to get an additional amount of Rs. 6000/- . Therefore claimant is entitled to a total sum of Rs. 36,720/- (Rupees thirty six thousand seven hundred and twenty) which would carry interest at the rate of 7.5% from the date of petition till the date of payment.

K.S.RADHAKRISHNAN
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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